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| EXAMINER | |
|---|---|
| DANIEL JR, WILLIE J | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/919,391 | FITZPATRICK ET AL. | |
| | Examiner | Art Unit | |
| | Willie J. Daniel, Jr. | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *31 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2,4,5,7-10,12,13,15,16 and 18-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7-10,12,13,15,16 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on 31 August 2007. **Claims 1-2, 4-5, 7-10, 12-13, 15-16, and 18-22** are now pending in the present application and **claims 3, 6, 11, 14, and 17** are cancelled. This office action is made **Final**.

### *Claim Objections*

2. **Claim 16** is objected to because of the following informalities:

   a. Claim 16 recites the limitation "...and **information indicating**..." in line(s) 7 of the claim. Applicant failed to properly mark-up (i.e., underline) all new limitations in the claim. The Examiner interprets as though the applicant intended to include the limitation.

   b. Claim 16 recites the limitation "...step, **providing said**...**local information to said sending party**..." in line(s) 8-9 of the claim. Applicant failed to properly mark-up (i.e., underline) all new limitations in the claim. The Examiner interprets as though the applicant intended to include the limitation.

   c. Claim 16 recites the limitation "...responsive to said **retrieving** step..." in line(s) 11 of the claim. The Examiner interprets as -- responsive to said **providing** step-- (see claim 1, line(s) 12) and suggests replacing said limitation to help clarify the claim language.

Appropriate correction is required.

3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

## *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-2, 4-5, 7-10, 12-13, 15, and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al**. (hereinafter Rignell) (**US 5,818,920**) in view of **Labban** (**US 6,574,486 B1**) and **Wang et al**. (hereinafter Wang) (**US 6,934,543 B2**).

Regarding **claim 1**, Rignell discloses a method for providing call which reads on the claimed "message" recipient local information (see abstract; col. 3, lines 28-50; Figs. 1-3) comprising the steps of:

identifying an attempt to send a mobile call which reads on the claimed "mobile message" from a sending party (e.g., subscriber A) to a receiving handheld terminal (C) which reads on the claimed "device" of a receiving party (e.g., subscriber C) (see col. 5, lines 5-21);

responsive to said identifying step, retrieving information local to said receiving party (C) (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device,

wherein said local information comprises a current location (e.g., time zone or geographic area) of said receiving handheld device (C) and information indicating whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

responsive to said retrieving step, providing said retrieved local information to said sending party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C);

responsive to said providing step, determining whether said current location information is to be displayed (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed. Rignell does not specifically disclose the features wherein said mobile message is a text message; receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication. However, the examiner maintains that the feature wherein said mobile message is a text message was well known in the art, as taught by Labban.

In the same field of endeavor, Labban discloses the feature wherein said mobile message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature wherein said mobile message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban does not specifically disclose having the features receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication. However, the examiner maintains that the features receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the features

receiving an indication from said sending party (MS A) that the message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B);

determining whether to send an alert signal (e.g., call) to said receiving handheld device based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4). Also, as further support,

Wang discloses the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Wang to have the features receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 2**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 1), in addition Rignell further discloses the method according to claim 1, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (C) is located (see col. 5, lines 15-19; col. 4, lines 60-64; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 4**, Rignell discloses a method for providing message recipient local information (see abstract; col. 7, lines 6-25; Figs. 2-3) comprising the steps of:

initiating a mobile message (call) between a sending party (A) and a receiving handheld device (B) of a receiving party (e.g., subscriber B) (see col. 7, lines 6-25; Fig. 3);

receiving local information for said receiving handheld device (B) from a service provider which services said receiving handheld device (B) (see col. 7, lines 15-18; col. 4, lines 60-64; Fig. 3), where the local information is provided in which the "service provider" would be inherent to provide call communication between subscriber A and B via communication system (10) as evidenced by the fact that one of ordinary skill in the art would clearly recognized,

wherein said local information comprises a current location (e.g., time zone or geographic area) of said receiving handheld device (B) and information indicating whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized);

determining whether said current location information is to be displayed (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed;

processing said mobile message (call) based on said received local information (see col. 7, lines 15-25; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the call would be processed by the calling subscriber according to the local information of the called subscriber. Rignell does not specifically disclose the features wherein said mobile message is a text message; receiving an indication from said sending party that the message is urgent;

based on said received local information and said received indication; sending an alert signal to said receiving handheld device according to said processing. However, the examiner maintains that the feature wherein said mobile message is a text message was well known in the art, as taught by Labban.

Labban further discloses the feature wherein said mobile message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature wherein said mobile message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban does not specifically disclose having the features receiving an indication from said sending party that the message is urgent; based on said received local information and said received indication; and sending an alert signal to said receiving handheld device according to said processing. However, the examiner maintains that the features receiving an indication from said sending party that the message is urgent; based on said received local information and said received indication; and sending an alert signal to said receiving handheld device according to said processing was well known in the art, as taught by Wang.

Wang further discloses the features

receiving an indication from said sending party (MS A) that the message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B);

based on said received local information and said received indication (see col. 6, lines 21-29,31-33; col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B); and

sending an alert signal (e.g., call) to said receiving handheld device according to said processing (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4). Also, as further support, Wang discloses the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Wang to have the features receiving an indication from said sending party that the message is urgent; based on said received local information and said received indication; and sending an alert signal to said receiving handheld device according to said processing, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called

mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 5**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 4), in addition Rignell further discloses the method according to claim 4, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (B) is located (see col. 7, lines 15-18; col. 5, lines 15-19; col. 4, lines 60-64; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 7**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 4), in addition Rignell further discloses the method according to 4, wherein said processing step comprises, selecting an action from the group of actions consisting of connect which reads on the claimed "sending" said mobile message (call) to said receiving handheld device (B), sending said mobile message (call) to a mail box (e.g., answering machine), and not sending said mobile message (call) (see col. 7, line 18-25; col. 8, lines 23-25; Fig. 3), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

Regarding **claim 8**, Rignell discloses a system for providing location-based recipient information (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 6, line 60 - col. 7, line 25; Figs. 1-4) comprising:

a wireless service provider for providing wireless telephony services to a network of handheld devices (see col. 6, line 60 - col. 7, line 25; Fig. 3);

a notification system configured to provide call recipient information associated with a receiving party in response to an attempt to send a message (call) from a first handheld device associated with a sending party to a second handheld device associated with said a receiving party in said network, said call recipient information comprising current location information (e.g., time zone or geographic area) for said second handheld device, local information acquired from a time source, and receiving party information (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col. 8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN is the source that provides the local time as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

said receiving party information indicating whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized,

wherein said notification system is further configured to determine if said current location information of said second handheld device is to be displayed (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed,

wherein said notification system is further configured to acquire said local information prior to sending said message (call) (see col. 6, line 60 - col. 7, line 5; col. 7, lines 11-15; col.

8, lines 45-47), where the base station, the base station controller, real-time clock, or PSTN is the source that provides the local time,

wherein said notification system is yet further configured to delay sending said message (call) until a decision to affirmatively send said mobile message (call) is made by said sending party (A) based on said provided call recipient information (see col. 7, lines 6-25; col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Fig. 3), where the local information is provided prior to connecting (sending) the call in which the system waits until the subscriber confirms to connection (sending). Rignell does not specifically disclose the features text message; wherein said notification system being still further configured to prompt said sending party to indicate whether the message is urgent, wherein said notification system is further configured to send an alert signal to said receiving handheld device based on said indication of said sending party and said local information. However, the examiner maintains that the feature text message was well known in the art, as taught by Labban.

In the same field of endeavor, Labban discloses the feature text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The

combination of Rignell and Labban does not specifically disclose having the features wherein said notification system being still further configured to prompt said sending party to indicate whether the message is urgent, wherein said notification system is further configured to send an alert signal to said receiving handheld device based on said indication of said sending party and said local information. However, the examiner maintains that the features wherein said notification system being still further configured to prompt said sending party to indicate whether the message is urgent, wherein said notification system is further configured to send an alert signal to said receiving handheld device based on said indication of said sending party and said local information was well known in the art, as taught by Wang.

Wang further discloses the features

wherein said notification system being still further configured to prompt said sending party (MS A) to indicate whether the message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B);

wherein said notification system is further configured to send an alert signal (e.g., call) to said receiving handheld device (MS B) based on said indication of said sending party (MS A) and said local information (see col. 6, lines 21-29,31-33; col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the features said call recipient information comprising local information acquired from a time source and receiving party information (see col. 3, lines 60-63; col. 5, lines 56-65; col. 6, lines 4-18; Figs. 8-9) and said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4). Also, as further support, Wang discloses the mobile subscriber unit receives a

text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and wherein said notification system is further configured to determine if said current location information of said second handheld device is to be displayed (see col. 8, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Wang to have the features wherein said notification system being still further configured to prompt said sending party to indicate whether the message is urgent, wherein said notification system is further configured to send an alert signal to said receiving handheld device based on said indication of said sending party and said local information, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 9**, Rignell discloses a machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, line 6-25; Figs. 1-3) the steps of:

identifying an attempt to send a mobile message (call) from a sending party (A) to a receiving handheld device (C) of a receiving party (see col. 5, lines 5-21);

responsive to said identifying step, retrieving information local to said receiving party (C) (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device,

wherein said local information indicates a current location (e.g., time zone or geographic area) of said receiving handheld device and whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

responsive to said retrieving step, providing said retrieved local information to said sending party (A) (see col. 5, lines 15-19; col. 7, lines 6-25; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Fig. 3), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C);

responsive to said providing step, determining whether said current location information is to be displayed (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed. Rignell does not specifically disclose the features wherein said mobile message is a text message; receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication. However, the examiner maintains that the feature wherein said mobile message is a text message was well known in the art, as taught by Labban.

Labban further discloses the feature wherein said mobile message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature wherein said mobile message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban does not specifically disclose having the features receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication. However, the examiner maintains that the features receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication was well known in the art, as taught by Wang.

Wang further discloses the features

receiving an indication from said sending party (MS A) that the message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B);

determining whether to send an alert signal (e.g., call) to said receiving handheld device based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4). Also, as further support,

Wang discloses the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Wang to have the features receiving an indication from said sending party that the message is urgent; determining whether to send an alert signal to said receiving handheld device based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 10**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 9), in addition Rignell further discloses the machine readable storage according to claim 9, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (C) is located (see col. 5, lines 15-19; col. 7, lines 15-18; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 12**, Rignell discloses a machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections

executable by a machine for causing the machine to perform (see abstract; col. 3, lines 28-50; col. 5, lines 5-21; col. 7, lines 6-25; Figs. 1-3) the steps of:

initiating a mobile message (call) between a sending party (A) and a receiving handheld device (B) of a receiving party (see col. 7, lines 6-25; Fig. 3);

receiving local information for said receiving handheld device from a service provider which services said receiving handheld device (B) (see col. 7, lines 15-18; col. 4, lines 60-64), where the local information is provided in which the service provider would be obvious,

wherein said local information comprises a current location (e.g., time zone or geographic area) of said receiving handheld device and information indicating whether said receiving party (B) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (B) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

determining whether said current location information is to be displayed (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed;

processing said mobile message (call) based on said received local information (see col. 7, lines 6-25; col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Fig. 3), where the call would be processed by the calling subscriber according to the local information of the called subscriber. Rignell does not specifically disclose the features wherein said mobile message is a text message; receiving an indication from said sending party that the message is urgent; based on said received local information and said received

indication; sending an alert signal to said receiving handheld device according to said processing. However, the examiner maintains that the feature wherein said mobile message is a text message was well known in the art, as taught by Labban.

Labban further discloses the feature wherein said mobile message is a text message (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 "ref. 426", 6 "ref. 624"), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature wherein said mobile message is a text message, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban does not specifically disclose having the features receiving an indication from said sending party that the message is urgent; based on said received local information and said received indication; and sending an alert signal to said receiving handheld device according to said processing. However, the examiner maintains that the features receiving an indication from said sending party that the message is urgent; based on said received local information and said received indication; and sending an alert signal to said receiving handheld device according to said processing was well known in the art, as taught by Wang.

Wang further discloses the features

receiving an indication from said sending party (MS A) that the message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B);

based on said received local information and said received indication (see col. 6, lines 21-29,31-33; col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B); and

sending an alert signal (e.g., call) to said receiving handheld device according to said processing (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4). Also, as further support, Wang discloses the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Wang to have the features receiving an indication from said sending party that the message is urgent; based on said received local information and said received indication; and sending an alert signal to said receiving handheld device according to said processing, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called

mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 13**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 12), in addition Rignell further discloses the machine readable storage according to claim 12, wherein said local information further comprises information selected from the group consisting of a time, date, and day where said receiving handheld device (B) is located (see col. 7, lines 15-18; col. 5, lines 15-19; col. 4, lines 60-64; Figs. 1-4), where the local information is the local time of day and the time zone that the receiving handheld device is located.

Regarding **claim 15**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 12), in addition Rignell further discloses the machine readable storage according to 12, wherein said processing step comprises, selecting an action from the group of actions consisting of sending said mobile message (call) to said receiving handheld device (B), sending said mobile message (call) to a mail box (e.g., answering machine), and not sending said mobile message (call) (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service.

Regarding **claim 21**, Rignell discloses every limitation claimed as applied above in claim 1. Rignell does not specifically disclose having the feature(s) prompting the sending party as to whether to display the current location information when said location information is provided. However, the examiner maintains that the feature(s) prompting the

sending party as to whether to display the current location information when said location information is provided was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the feature(s) prompting the sending party as to whether to display the current location information when said location information is provided (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which the prompt would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Wang to have the feature(s) prompting the sending party as to whether to display the current location information when said location information is provided, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 22**, the combination of Rignell, Labban, and Wang discloses every limitation claimed, as applied above (see claim 1), in addition Rignell further discloses the method of claim 1, said determining step further comprising determining whether to display the current location information when said local information is provided based on a sending party preference (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed in which the preference would be

inherent for the information to be displayed so the user can have the option of continuing with the call. As further support in the same field of endeavor, Wang discloses the feature(s) determining whether to display the current location information when said local information is provided based on a sending party preference (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which the prompt would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

**Claims 16, 18, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al**. (hereinafter Rignell) (**US 5,818,920**) in view of **Wang et al**. (hereinafter Wang) (**US 6,934,543 B2**).

Regarding **claim 16**, Rignell discloses a method for providing subscriber which reads on the claimed "call recipient" local information (see abstract; col. 3, lines 28-50; Figs. 1-3) comprising the steps of:

identifying an attempt to establish a call which reads on the claimed "telephone call" between a calling party (A) and a receiving handheld terminal (C) which reads on the claimed "device" of a called party (e.g., subscriber C) (see col. 5, lines 5-21;);

responsive to said identifying step, retrieving information local to said receiving handheld device (C) (see col. 5, lines 15-19; col. 4, lines 60-64; Fig. 3), where the local information is the time and time zone of the receiving handheld device,

wherein said local information comprises a current location (e.g., time zone or geographic area) of said receiving handheld device and information indicating whether said receiving party (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the "not to be disturbed" would be inherent to provide restriction of a call during a certain time range as evidenced by the fact that one of ordinary skill in the art would clearly recognized;

responsive to said retrieving step, providing said retrieved local information to said sending party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C);

responsive to said retrieving step, determining whether said current location information is to be displayed (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed;

automatically determining how to process said telephone call based upon said determined local information (e.g., Time Zone 2 or geographic area) and information received from said calling party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; col. 7, lines 56-64,41-49; Figs. 1-4), where the calling subscriber can confirm or decide whether to complete the connection or discontinue,

wherein said processing comprises, selecting an action from the group of actions consisting of connecting said call to said receiving handheld device (B), connecting said call to a mail box (e.g., answering machine), and not connecting said call (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect

or terminate or be connected to an answering machine or answering service. As a note, Rignell further teaches the feature in response to connecting said call to said receiving handheld device, automatically sending an alert signal to said receiving handheld device (see col. 7, lines 18-25), where the call is connected in which an alert signal (e.g., ringing tone for a call) would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Also, calls from a subscriber in a non-restricted time are connected in which the automatic determining would be inherent to allow calls such as from the same time zone, important calls, or non-restricted time to be connected as evidenced by the fact that one of ordinary skill in the art would clearly recognized. Rignell does not specifically disclose having the features wherein said information received from said calling party comprises an indication that said message is urgent, and in response to connecting said call to said receiving handheld device, automatically sending an alert signal to said receiving handheld device. However, the examiner maintains that the features wherein said information received from said calling party comprises an indication that said message is urgent, and in response to connecting said call to said receiving handheld device, automatically sending an alert signal to said receiving handheld device was well known in the art, as taught by Wang.

In the same field of endeavor, Wang discloses the features

wherein said information received from said calling party (MS A) comprises an indication that said message is urgent (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), and

in response to connecting said call to said receiving handheld device (MS B), automatically sending an alert signal (e.g., call) to said receiving handheld device (MS B) (see col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to

mobile subscriber unit (B). As a note, Wang further discloses the feature wherein said location information indicates whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 "ref. 206" and 4) and process call based on said received local information and said received indication (see col. 6, lines 21-29,31-33; col. 3, lines 38-49; Fig. 2 "ref. 207-210"), where the emergency call is connected to mobile subscriber unit (B), and determining whether said current location information is to be displayed (see col. 8, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Wang to have the features wherein said information received from said calling party comprises an indication that said message is urgent, and in response to connecting said call to said receiving handheld device, automatically sending an alert signal to said receiving handheld device, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25,28-29).

Regarding **claim 18**, the combination of Rignell and Wang discloses every limitation claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, wherein the local information includes a time, a date, a day, and location (e.g., Time Zone 2 or geographic area) where said receiving device is located (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device

relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth.

Regarding **claim 20**, the combination of Rignell and Wang discloses every limitation claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, the local information includes a location (e.g., Time Zone 2 or geographic area) where said receiving device is located (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; col. 7, lines 11-18; Figs. 1-4), where the calling device is informed of the time zone of a receiving device. Time zone is the geographic location or region the receiving device is located in relative to the location of the calling device which is based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth.

**Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al.** (hereinafter Rignell) (**US 5,818,920**) in view of **Wang et al.** (hereinafter Wang) (**US 6,934,543 B2**) as applied to claim 16 above, and further in view of **Moon et al.** (hereinafter Moon) (**US 6,075,992**).

Regarding **claim 19**, the combination of Rignell and Wang discloses every limitation claimed, as applied above (see claim 16), in addition Rignell further discloses the method of claim 16, further comprising the step of: based on the local information, deferring said telephone call (see col. 8, lines 23-25; col. 7, lines 18-25), where the calling subscriber can deferred such as being directed to an answering machine. The combination of Rignell and Wang does not specifically disclose having the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party. However,

the examiner maintains that the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party was well known in the art, as taught by Moon.

In the same field of endeavor, Moon discloses the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party (see col. 5, line 18 - col. 6, line 7; col. 7, lines 4-9; Figs. 1, 7), where the portable intelligent communications device (10) can automatically place a call by scheduling the call according to time ranges.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Moon to have the feature which results in placing the call at an appropriate time as defined by at least one the calling party and the called party, in order to automatically initiate a call to a recipient depending on the local time of such recipient, as taught by (see col. 1, lines 63-64; col. 2, lines 9-12).

***Response to Arguments***

5. Applicant's arguments with respect to claims **1-2, 4-5, 7-10, 12-13, 15-16, and 18-22** have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language, new limitations, and/or new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

6. The Examiner requests applicant to provide support (e.g., page(s), line(s), and drawing(s) as well as comments) for any further amended claim language.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR
30 October 2007

CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER